

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TYLER DIVISION

ALLEN D. FARRIS	§	
v.	§	CIVIL ACTION NO. 6:06cv160
KEVIN CLANTON, ET AL.	§	
and		
ALLEN D. FARRIS	§	
v.	§	CIVIL ACTION NO. 6:06cv178
KEVIN CLANTON, ET AL.	§	

MEMORANDUM ADOPTING REPORT AND RECOMMENDATION
OF THE UNITED STATES MAGISTRATE JUDGE
AND ORDER OF CONSOLIDATION

The Plaintiff Allen Farris, proceeding *pro se*, filed this civil rights lawsuit under 42 U.S.C. §1983 complaining of alleged violations of his constitutional rights. This Court ordered that the case be referred to the United States Magistrate Judge pursuant to 28 U.S.C. §636(b)(1) and (3) and the Amended Order for the Adoption of Local Rules for the Assignment of Duties to United States Magistrate Judges.

The two lawsuits styled above were filed 12 days apart and concern the same issued, naming the same Defendants. On June 30, 2006, the Magistrate Judge issued a Report recommending that these two cases be consolidated for all purposes, with 6:06cv160 being designated as the lead case. The Magistrate Judge also recommended that only one filing fee be charged for the consolidated cases.

A copy of this Report was sent to Farris at his last known address, return receipt requested, but no objections have been received; accordingly, he is barred from *de novo* review by

the district judge of those findings, conclusions, and recommendations and, except upon grounds of plain error, from appellate review of the unobjected-to factual findings and legal conclusions accepted and adopted by the district court. Douglass v. United Services Automobile Association, 79 F.3d 1415, 1430 (5th Cir. 1996) (*en banc*).

The Court has reviewed the pleadings in this cause and the Report of the Magistrate Judge and has determined that this Report is correct. It is accordingly

ORDERED that the Report of the Magistrate Judge is ADOPTED as the opinion of the District Court. It is further

ORDERED that the above-styled civil actions be and hereby are CONSOLIDATED for all purposes into one lawsuit, styled Farris v. Clanton, et al, docket no. 6:06cv160. Rule 42(a), Fed. R. Civ. P. Any pleadings or documents received in either case shall be docketed in this cause; no further entries, after this order of consolidation, shall be made on the docket of cause no. 6:06cv178. It is further

ORDERED that, inasmuch as cause no. 6:06cv178 is wholly subsumed within cause no. 6:06cv160, a separate filing fee shall not be charged for cause no. 6:06cv178. This does not relieve Farris of the obligation to pay the filing fee for cause no. 6:06cv160, as set out in 28 U.S.C. §1915(b). This order of consolidation shall not affect the substantive rights of any party to this case.

So ORDERED and SIGNED this 15th day of August, 2006.

A handwritten signature in black ink, appearing to read 'Leonard Davis', written over a horizontal line.

LEONARD DAVIS
UNITED STATES DISTRICT JUDGE